

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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THEODORE KING, et al.,

Plaintiffs,

-against-

R. ROSE TRUCKING, Inc., et al.,

Defendants.
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ORDER
CV 03-2893 (JS)(ARL)

LINDSAY, Magistrate Judge:

By order dated June 26, 2006, District Judge Joanna Seybert referred the plaintiffs' June 8, 2006 letter motion to compel the appearance of a corporate representative from the defendant R. Rose Trucking at an asset deposition to the undersigned for determination. The defendant has not opposed the motion. For the reasons set forth below, the motion is **GRANTED**.

On April 13, 2004, Judge Seybert ordered that the defendants are jointly and severally liable for payment to the plaintiffs the total amount of \$456,501.25. See Judgment, dated April 13, 2004. This Judgment was entered by the clerk on April 23, 2004. Rule 69 of the Federal Rules of Civil Procedure provides in relevant part that "[i]n aid of the judgment or execution, the judgment creditor . . . may obtain discovery from any person, including the judgment debtor, in the manner provided by these rules. . . ." Fed. R. Civ. P. 69(c). In accordance with this Rule, depositions are routinely utilized as a post-judgment discovery tool. See, e.g., Patterson v. Regia Management Corp., No. 97 Civ. 2624 (HB), 1998 WL 788798 (S.D.N.Y. Nov. 10, 1998); Costamar Shipping Co., Ltd. v. Kim-Sail, Ltd., No. 95 Civ. 3349 (KTD), 1995 WL 736907 (S.D.N.Y. Dec. 12, 1995).

Thus, the plaintiffs' application is **GRANTED** and a corporate representative of the defendant R. Rose Trucking, Inc. is directed to appear for an asset deposition on a mutually

agreeable date before July 31, 2006. Plaintiffs are directed to serve a copy of this order upon the defendants and to file proof of service with the court.

Dated: Central Islip, New York
July 12, 2006

SO ORDERED:

/s/

ARLENE R. LINDSAY
United States Magistrate Judge